

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WAYNE CHILDS	:	CIVIL ACTION
	:	
v.	:	
	:	
SECRETARY OF THE NAVY	:	NO. 05-cv-04050-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

March 14, 2006

Plaintiff worked for a brief period as an employee of the Department of the Navy. In 1988, during his probationary period, he was fired - allegedly, for sleeping on the job, and for being AWOL. Mr. Childs contended that he was the victim of racial and/or disability discrimination. These charges were thoroughly investigated by the Navy, and by EEOC, and were found to lack merit. In November 1998, plaintiff brought suit in this court against the Secretary of the Navy (C.A. No. 98-5379). On April 22, 1999, this court granted the defendant's motion to dismiss, and dismissed the complaint. On July 10, 2000, the Third Circuit Court of Appeals affirmed that decision. Plaintiff sought reconsideration by the Court *en banc*, but his application was rejected. He then made repeated, unsuccessful, attempts to have the United States Supreme Court issue a writ of certiorari to review the Third Circuit's action.

On July 29, 2005, plaintiff brought the present lawsuit which, to the extent it is comprehensible, is merely a repetition of the earlier lawsuit. Indeed, plaintiff has obligingly

included, among his voluminous *pro se* filings, much of the file in the earlier case.

The defendant has filed a motion to dismiss, and it is clear that this motion must be granted. All of the plaintiff's claims are barred by the *res judicata* effect of the earlier judgment, and are plainly lacking in merit.

An Order follows.

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ORDER

AND NOW, this 14<sup>th</sup> day of March 2006, IT IS ORDERED:

1. Defendant's motion to dismiss is GRANTED, and this action is DISMISSED with prejudice.
2. This court's order dated August 2, 2005, granting plaintiff leave to proceed *in forma pauperis*, is VACATED.
3. Any and all pending motions filed by plaintiff are DENIED as moot.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.